

JAN 21 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Copeland et al.

§ Group Art Unit: 2154
§ Examiner: Mohammad A. Siddiqi

Serial No. 09/740,460

§ Atty. Dkt. No. AUS9000460US1

Filed: December 18, 2000

For: JSP COMPOSITION IN A CACHE
FOR WEB APPLICATIONS WITH
DYNAMIC CONTENT

§ I hereby certify that this correspondence is being deposited with
§ the U.S. Postal Service with sufficient postage as First Class
§ Mail in an envelope addressed to: Commissioner for Patents,
§ Washington, D.C. 20231, on the date indicated below:
§

January 18, 2005
Date


Kevin L. Daffer

APPEAL BRIEF

Box AF
Commissioner for Patents
Washington D.C. 20231

Sir/Madam:

Further to the Notice of Appeal faxed November 18, 2004 and received in the U.S. Patent and Trademark Office on the same day, Appellant presents this Appeal Brief. The Notice of Appeal was filed following mailing of a Final Office Action on September 2, 2004. Appellant hereby appeals to the Board of Patent Appeals and Interferences from a final rejection of claims 1-3, 5-15, 17 and 18 in the Final Office Action, and respectfully requests that this appeal be considered by the Board.

I. REAL PARTY IN INTEREST

The subject application is owned by International Business Machines Corporation, a corporation having its principal place of business at New Orchard Road, Armonk, New York, 10504, as evidenced by the assignment recorded at Reel 011391, Frame 0839.

03/17/2005 CQUEEN 00000007 503268 09740460

Conclusion

As explained in Arguments 1-3 above, at least some limitations of claims 9, 17 and 18, and therefore at least some limitations of claims 10-15, are not taught or suggested by the cited art. Furthermore, there is no teaching, suggestion or motivation to modify the cited art to teach the limitations of these claims. For at least the reasons set forth above, claims 9-16, 17, and 18 are patentably distinct over the cited art, and the rejection of Group II claims 9-16, 17, and 18 under 35 U.S.C. § 103(a) is therefore asserted to be erroneous.

IX. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-3, 5-15, 17, and 18 was erroneous, and reversal of the Examiner's decision is respectfully requested.

The Commissioner is hereby authorized to charge the required fee(s) to Daffer McDaniel, LLP deposit account 50-3268/5468-05300.

Respectfully submitted,

Kevin L. Daffer
Reg. No. 34,146
Attorney for Appellant

Daffer McDaniel, LLP
P.O. Box 684908
Austin, TX 78768-4908
Date: January 18, 2005
JMF